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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Matthew Shedlov et al.

Examiner: Unknown

Serial No.: 10/648,914

Group Art Unit: Unknown

Filed: August 28, 2003

Confirmation No.: 5079

For: DYNAMIC BUSHING FOR MEDICAL DEVICE TUBING

Docket No.: 1001.1758101

**STATEMENT IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING
INVENTORS (37 C.F.R. § 1.47(a))**

Mail Stop Missing Parts
Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV333852097US, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 17 day of May, 2004.

By _____


JoAnn Lindman

Dear Sir or Madame:

Pursuant to 37 C.F.R. § 1.47(a), the undersigned hereby submits the following statement of facts in support of the attached PETITION UNDER 37 C.F.R. § 1.47(a), filed herewith:

Statement of Facts

1. I am patent counsel for SciMed Life Systems, Inc., and have personal knowledge of the facts supporting the attached petition.

2. On January 24, 2004, copies of the formal application papers for patent Application Serial Number 10/648,914 were sent to Luke Lundquist and James Hitchcock. Attached to the formal papers was a request to sign a Combined Declaration and Power of Attorney for Patent Application. Copies of the cover letters accompanying these documents along with a printout of the FED EX tracking information evidencing their receipt by both Luke Lundquist and James Hitchcock are attached hereto as Exhibit A.

3. On February 3, 2004, a first reminder letter was sent to both Luke Lundquist and James Hitchcock, again requesting their signature of the Combined Declaration and Power of Attorney for Patent Application. Copies of the first reminder letters sent to Luke Lundquist and James Hitchcock are attached hereto as Exhibit B.

4. On February 26, 2004, a second reminder letter was sent to both Luke Lundquist and James Hitchcock, again requesting that they sign the Combined Declaration and Power of Attorney for Patent Application. Copies of the second reminder letters sent to Luke Lundquist and James Hitchcock are attached hereto as Exhibit C.

5. On March 3, 2004, a third reminder letter was sent to both Luke Lundquist and James Hitchcock, again requesting that they sign the Combined Declaration and Power of Attorney for Patent Application. Copies of the third reminder letters sent to Luke Lundquist and James Hitchcock are attached hereto as Exhibit D.

6. On March 24, 2004, Mr. Lundquist left a voice mail with my personal assistant, Brenda House, stating that he wanted to get the application papers signed, but was looking for some type of additional compensation. In response to this voice mail, Ms. House left a telephone message with Mr. Lundquist asking that he contact me.

7. On March 25, 2004, Mr. Lundquist left a message asking that I contact him. On April 5, 2004 and April 14, 2004, Ms. House left telephone messages with Mr. Lundquist asking that he contact me.

8. To date, I have not received a response from either Mr. Lundquist or Mr. Hitchcock. Based on the foregoing, a bona fide attempt was made to comply with the provisions of 37 C.F.R. § 1.47 at the time the declaration was submitted.

9. At the time of filing the above-referenced Application, both Lundquist and Hitchcock had left employment with SciMed Life Systems, Inc. Other than Mr. Lundquist's demand for additional compensation, I am unaware of the reasons why Lundquist and Hitchcock are refusing to sign the Combined Declaration and Power of Attorney for Patent Application.

10. A Combined Declaration and Power of Attorney was previously filed contemporaneous with the filing of the above-referenced Application. A copy of the Combined Declaration and Power of Attorney is attached hereto as Exhibit E.

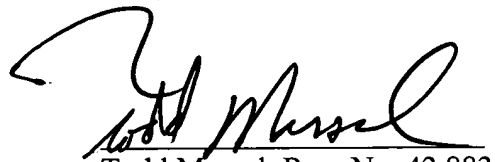
11. As can be seen from Exhibit E, the Combined Declaration and Power of Attorney previously filed was signed by all of the available joint inventors with a signature block of the non-signing inventors left blank. Pursuant to MPEP § 409.03(a), the undersigned submits that such oath or declaration should be treated as having been signed by all of the joint inventors on behalf of the non-signing inventors.

12. The last known address of non-signing inventors Luke Lundquist and James Hitchcock is as follows:

Mr. Luke Lundquist
14237 Norden Drive
Rogers, MN 55374

Mr. James Hitchcock
24645 Kettle River Boulevard
Forest Lake, MN 55025

Dated this 17th day of May, 2004



Todd Messal, Reg. No. 42,883
Patent Counsel
SciMed Life Systems, Inc.

January 24, 2004

Mr. Luke Lundquist
14237 Norden Drive
Rogers, MN 55374

VIA FEDERAL EXPRESS

RE: Formal Papers for Patent Application Serial No. 10/648,914
DYNAMIC BUSHING FOR MEDICAL DEVICE TUBING
Our File No. 02-272

Dear Luke:

Enclosed you will find a Combined Declaration/Power of Attorney for Patent Application document and an Assignment document requiring your signature. Please sign and date the Combined Declaration first and then the Assignment document. The other inventors signed these documents when the application was filed back on August 27, 2003. Also enclosed is a copy of the application for you to keep for your records.

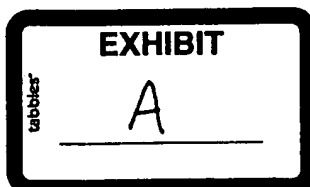
Please return the documents at your earliest convenience in the return FedEx envelope enclosed and call me should you have any questions at 763-494-2608 or Todd Messal at 763-494-2880. You may also email me at houseb@bsci.com with any questions you may have. The documents should be filed with the Patent and Trademark Office by March 19, 2004 to avoid any additional extension fees.

Thank you for your prompt attention and consideration in this matter.

Sincerely,

Brenda House
Patent Legal Department

Enclosure



January 24, 2004

Mr. James Hitchcock
24645 Kettle River Boulevard
Forest Lake, MN 55025

VIA FEDERAL EXPRESS

RE: Formal Papers for Patent Application Serial No. 10/648,914
DYNAMIC BUSHING FOR MEDICAL DEVICE TUBING
Our File No. 02-272

Dear Jim:

Enclosed you will find a Combined Declaration/Power of Attorney for Patent Application document and an Assignment document requiring your signature. Please sign and date the Combined Declaration first and then the Assignment document. The other inventors signed these documents when the application was filed back on August 27, 2003. Also enclosed is a copy of the application for you to keep for your records.

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Thank you for your prompt attention and consideration in this matter.

Sincerely,

Brenda House
Patent Legal Department

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Ship Date: January 14, 2004

Recipient:

LUKE LUNDQUIST

14237 NORDEN DRIVE

ROGERS, MN 55316

US

Shipper:

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BOSTON SCIENTIFIC

1 SCIMED PL

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	10:04 am On FedEx vehicle for delivery	MINNEAPOLIS MN	
	10:03 am Package status	MINNEAPOLIS MN	Package at station - awaiting courier
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	7:15 am Arrived at FedEx Destination Location	MAPLE GROVE MN	
Jan 14, 2004	9:38 pm Left FedEx Origin Location	MAPLE GROVE MN	
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	9:15 pm Arrived at FedEx Ramp	MINNEAPOLIS MN	
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2/3/2004

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Signed For By: J.HITCHCOCK



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Delivery Time: 1138

Shipping Information:

Tracking No: 623913427102

Ship Date: January 14, 2004

Recipient:

JAMES HITCHCOCK

24645 KETTLE RIVER BOULEV
FOREST LAKE, MN 55025
US

Shipper:

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US

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REMINDER
2/3/04

January 24, 2004

Mr. Luke Lundquist
14237 Norden Drive
Rogers, MN 55374

VIA FEDERAL EXPRESS

RE: Formal Papers for Patent Application Serial No. 10/648,914
DYNAMIC BUSHING FOR MEDICAL DEVICE TUBING
Our File No. 02-272

Dear Luke:

Enclosed you will find a Combined Declaration/Power of Attorney for Patent Application document and an Assignment document requiring your signature. Please sign and date the Combined Declaration first and then the Assignment document. The other inventors signed these documents when the application was filed back on August 27, 2003. Also enclosed is a copy of the application for you to keep for your records.

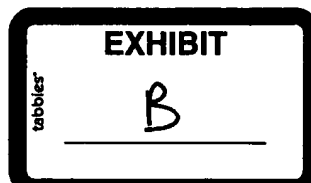
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Thank you for your prompt attention and consideration in this matter.

Sincerely,

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Patent Legal Department

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2/26/04

January 24, 2004

Mr. Luke Lundquist
14237 Norden Drive
Rogers, MN 55374

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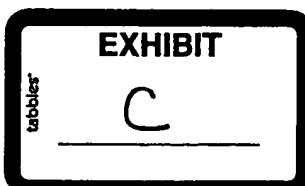
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January 24, 2004

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Sent 3-3-04

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14237 Norden Drive
Rogers, MN 55374

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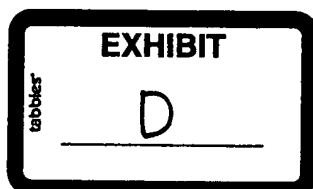
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January 24, 2004

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sent 3-3-04

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Forest Lake, MN 55025

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Sincerely,

Brenda House
Patent Legal Department

Enclosure



UTILITY/DESIGN PATENT
Docket No. S63.2-10690

DECLARATION

As a below-named inventor, I(we) hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

INVENTORSHIP DECLARATION

My residence, post office address, and citizenship are as stated below next to my name;

I verily believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Dynamic Bushing For Medical Device Tubing

the specification of which:

- a) ☒ is being filed concurrently herewith
- b) ☐ was filed on _____ and assigned Serial No. _____
- c) ☐ was filed as PCT International Application No. _____ filed on _____ and amended under PCT Article 19 on _____.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56.

- ☐ In compliance with this duty there is attached an Information Disclosure Statement.
37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d), of any foreign application(s) for patent or inventor's certificate or of any PCT international applications(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international applications(s) designating at least one country other than the United States of America filed by me having the same subject matter having a filing date before that of the application on which priority is claimed.



COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35 United States Code, §119(e) of any United States provisional application identified below.

U.S. APPLICATIONS	
APPLICATION NUMBER	U.S. FILING DATE
1.	
2.	

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATIONS(S) UNDER 35 U.S.C. §120

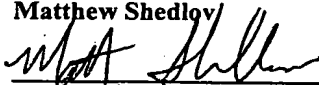
I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications(s) or PCT international applications(s) designating the United States of America that is/are listed below.

U.S. APPLICATIONS	
APPLICATION NUMBER	U.S. FILING DATE
1.	
2.	
PCT APPLICATIONS DESIGNATING THE U.S.	
PCT APPLICATION NO.	PCT FILING DATE
3.	

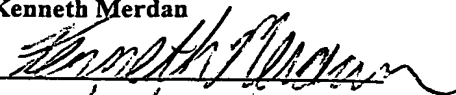
I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Telephone calls and correspondence should be directed to: James M. Urzedowski, at Customer No. 490, Telephone: (952) 563-3000, Facsimile: (952) 563-3001.

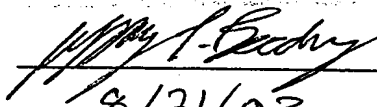
First Inventor

Full name: **Matthew Shedlov**
Inventor's signature: 
Date: 8/21/03
Citizenship: **US**
Post office Address: **6140 Ash Street
Rockford, Minnesota 55373**
Residence:
(If different than above)

Second Inventor

Full name: **Kenneth Merdan**
Inventor's signature: 
Date: 8/19/03
Citizenship: **US**
Post office Address: **8627 Grace Lane
Greenfield, MN 55357**
Residence:
(If different than above)

Third Inventor

Full name: **Jeffrey P. Boodry**
Inventor's signature: 
Date: 8/21/03
Citizenship: **US**
Post office Address: **5700 Star lane
Shorewood, Minnesota 55331**
Residence:
(If different than above)

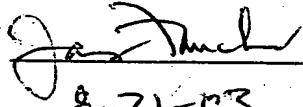
Fourth Inventor

Full name: **Luke W. Lundquist**
Inventor's signature: _____
Date: _____
Citizenship: **US**
Post office Address: **15237 Norden Drive
Rogers, MN 55374**
Residence:
(If different than above)

Fifth Inventor

Full name: **James K. Hitchcock**
Inventor's signature: _____
Date: _____
Citizenship: **US**
Post office Address: **24645 Kettle River Blvd
Forest Lake, MN 55025**
Residence:
(If different than above)

Sixth Inventor

Full name: **James M. Faucher**
Inventor's signature: 
Date: 8-21-03
Citizenship: **US**
Post office Address: **1798 19th Avenue Northwest
New Brighton, MN 55112**
Residence:
(If different than above)